

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
REQUEST FOR FILING APPLICATION UNDER 37 C.F.R. 1.53(b)
WITHOUT FILING FEE AND/OR WITHOUT EXECUTED INVENTOR'S DECLARATION**

Mail Stop Patent Application

Atty. Dkt. 2558-73

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This is a request for filing a new PATENT APPLICATION under Rule 53(b) entitled:

A SURGICAL INSTRUMENT

without a filing fee and/or without an executed inventor's oath/declaration.

This application is made by the below identified inventor(s). Attached hereto are the following papers:

- ☐ Newly executed Declaration, ☒ Copy of Declaration from prior application, ☒ Abstract
☐ Please **delete** the following inventors in the continuation/division/continuation-in-part application:

Deleted persons:

- 10 pages of specification and claims (including 20 numbered claims), and
3 sheets of accompanying drawing/s, (including Figs. 1-4B).

☐ Attached is a Power of Attorney.

☒ Priority is hereby claimed under 35 U.S.C. § 119 based on the following foreign applications:

Application Number

Country

Day/Month/Year Filed

0111463.6

UK

10 May 2001

PCT

, respectively, the entire content of which is hereby incorporated by reference in this application..

- ☐ Certified copy(ies) of foreign application(s) is/are attached.
☒ Certified copy(ies) filed on May 29, 2002 in prior application no. 10/139,638 filed May 7, 2002
☒ This application claims the benefit of Provisional Application No.60/305,097, filed 16 July 2001, the entire content of which is hereby incorporated by reference in this application.
☒ This application is a ☒ continuation/☐ division/☐ continuation-in-part of Application No.10/139,638, filed May 7, 2002, the entire content of which is hereby incorporated by reference in this application.
☐ Petition filed in prior application to extend its life to insure co-pendency.
☒ The prior application is assigned to Gyrus Medical Limited, Cardiff, United Kingdom
☒ It is hereby requested that the Examiner consider the art cited in the above parent application(s) by applicant and/or the Examiner for the reasons stated therein. A listing of that art is attached, but pursuant to Rule 98(d) copies are not required.
☐ Applicant claims "small entity" status. ☐ "Small entity" statement attached.
☒ Please enter the attached and/or below preliminary amendment **prior** to calculation of filing fee:

- ☒ Also attached: ☐ Information Disclosure Statement; ☐ Non-Publication Request; ☐ Nucleotide and/or Amino Acid Sequence Submission; ☐ Statement deleting Inventor(s) named in prior application; ☒ Other: **Copy of Original Specification from parent Appln. No. 10/139,638**

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☐ See attached sheet(s) for additional inventor(s) information!!

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